

Martinucci, Arthur

From: bensonnmbr@peoplepc.com
Sent: Wednesday, October 19, 2005 9:09 AM
To: Martinucci, Arthur
Subject: Sherrod's Deposition

Art,

I have just spoken to James. James is concerned about how the court might look upon a request for a continuance, but I don't think he is really ready to do this.

In anticipation of a possible deposition this week, James stopped taking his medication Sunday evening, 10/16 and the results haven't been good. The pain in his back radiates to his legs. Mentally and physically, without medication, he is just trying to endure the pain. With medication, as I have stated before, it takes James awhile to focus and get his thoughts together. James has essentially said his thinking process takes longer.

To be fair to both parties, I think we need to seek a modification of the current case management order, which would be the second one based on James' health. We need to allow sufficient time for recovery.

The surgery is still scheduled for Tuesday, October 25, 2005.

If you have any questions, please get back to me. I will be in and out of the office today, but I will make every effort to get back to you.